

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CRAIG MOLESPHINI on behalf of himself
and derivatively on behalf of NÜE-TRITION
WEIGHT MANAGEMENT, LLC, and
ELEPHANT ENTERTAINMENT INC.,
Individually,

MEMO ENDORSED

Plaintiffs,

Case No. 1:20-cv-05427 (KPF)

- against -

**NOTICE OF MOTION
FOR
RECONSIDERATION**

ANTHONY GIORDANO, NÜE
RESOURCE FINANCIAL CORP., and
NÜE RESOURCE FUNDING, LLC,

Defendants,

- and -

NÜE-TRITION WEIGHT
MANAGEMENT, LLC,

Nominal Defendant.

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PLEASE TAKE NOTICE that, upon the accompanying
Memorandum of Law, and all the prior pleadings and proceedings had herein, the
Defendants, by their attorneys, will move this Court before the Honorable
Katherine Polk Failla, United States District Judge, at the United States Courthouse
for the Southern District of New York, 40 Foley Square, New York, New York, on
a date and time to be determined by the Court, pursuant to Fed. R. Civ. P. 60(b)
and Local Rule 6.3 of the Southern District of New York, for an Order granting

reconsideration of the Court's October 24, 2024, Memorandum Endorsement Order granting Plaintiffs Second Motion to Lift the Stay (Dkt. #43), lifting the stay and directing the Clerk of the Court to terminate the pending motion at docket entry 41, and for such other and further relief as the Court deems just and proper.

Respectfully, Defendants bring this motion based upon this Court's Memorandum Endorsement granting Plaintiffs' Second Motion to Lift the Stay (*see* Dkt. #43), as such Memorandum Endorsement determination was premature under the stated Rules and denied Defendants the full time they were allowed under Local Rule 6.3 to file their motion in opposition to respond to Plaintiffs' motion.

In support of this motion, the undersigned will rely upon the accompanying Memorandum of Law, which sets forth the matters, rules, and controlling decisions that the Court may have overlooked, as required by Local Rule 6.3.

Dated: White Plains, New York
28 October 2024

/s Jordan D. Glass
Jordan D. Glass, Esq., JG3690
124 Randolph Road
White Plains, New York 10607
914.584.2424

Motion GRANTED. Anticipating no opposition, the Court lifted the stay in this action on October 24, 2024. (Dkt. #43). Upon review of Defendant's Motion for Reconsideration, the Court hereby reimposes the stay that was in effect before entry of this Order.

Defendant shall file any Opposition to Plaintiff's Second Motion to Lift the Stay (Dkt. #41) on or before **November 4, 2024**, which accounts for the brief period of time during which the stay was lifted. Plaintiff shall file any Reply on or before **November 11, 2024**.

The Clerk of Court is directed to reopen the motion at docket entry 41 and to terminate the motion pending at docket entry 44.

Dated: October 29, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE